

Application Serial No. 10/462,870
Amendment dated November 16, 2005
Reply to Office Action of August 16, 2005

REMARKS

Applicant has amended claim 1 to clarify that limitations previously considered merely portions of the preamble are considered as limitations in the claim, which distinguish it over the cited art. Applicant has also amended claim 1 to recite a method of forming a roofing membrane. Claim 10 is a new claim with the same format but simply references a method of forming a pond liner membrane. Both claims 1 and 10 are considered to be equivalent.

Applicant is claiming a method of forming a roofing membrane or pond liner wherein a sheet that is suitable for use as either a roofing membrane or a pond liner has a seam tape applied to the center portion of the membrane which is then cut in two to form two sheets of roofing membrane, each having seam tape on an outer edge.

The preamble is a limitation. A method of forming a roofing membrane is very much different from a method of forming signage for use in a grocery store. Further, the use of a membrane adapted for use as a roofing membrane as a starting material is distinguishable from the disclosure of the Farrow 5,970,640 reference which discloses using a paper substrate. A membrane which is adapted for use as a roofing membrane not only is, obviously, waterproof and polymeric, but also very thick and heavy, relative to paper.

It is the thickness of this material making it suitable as a roofing material which causes the problem addressed by the current invention. A thick membrane, which

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is required of a roofing membrane, is difficult to handle. It is not the same as working with a thin, flexible web as disclosed in the Farrow reference. Applicant is attempting to locate the seam tape directly at the seam so it does not overlap the seam or leave an exposed edge. For practical reasons, one can not simply apply the seam tape directly to the edge of roofing membrane. But, this is the logical way to form a roofing membrane with a pre-applied seam tape. Applicant's invention starts with a material that is twice as wide as the intended product and cuts this in half. This obviously is much more expensive than simply applying the seam tape onto the narrower material. This is counter intuitive.

Accordingly, applicant's use of a membrane adapted for use as the roofing membrane is distinguishable from Farrow's taking a piece of paper and applying adhesive to the center of the paper. For that reason, applicant would maintain that the present invention is patentable in light of the Farrow reference.

With respect to claim 8, which recites that the membrane is EPDM, the Examiner has indicated that signage is made from EPDM. The type of signage disclosed in the Farrow reference would not be formed from EPDM. The signage disclosed in the Farrow reference is intended to be a disposable sign. It would be illogical and impracticable to form this type of signage from EPDM. Therefore, it would be unobvious to modify the disclosure in the Farrow reference to utilize EPDM membrane.

Finally, applicant has added new claim 10 which claims the method of making a pond liner. The primary difference is the use of a membrane suitable for use as a pond

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liner. The membranes used to form roofing membranes are the same as the membrane used to form a pond liner. Accordingly, this claim is very similar in scope as claim 1. For the reasons set forth above, applicant would maintain that it is distinguishable from the Farrow reference.

Applicant would like to thank the Examiner for indicating the allowability of the remaining claims.

Respectfully submitted,

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